

CHAPTER 68. EVALUATE PART 135 (NINE SEATS OR LESS) OPERATOR

SECTION 1. BACKGROUND

1. PROGRAM TRACKING AND REPORTING SUBSYSTEM (PTRS) ACTIVITY CODES.

A. Maintenance: 3204/3206

B. Avionics: 5204/5206

3. OBJECTIVE. This chapter provides guidance for evaluation of aircraft, facilities, maintenance programs, and records for certification of a Title 14 of the Code of Federal Regulations (14 CFR) part 135, § 135.411(a)(1) operator.

5. GENERAL. The certification process provides for interaction between the applicant and the Federal Aviation Administration (FAA) from initial inquiry to certificate issuance or denial. The process consists of the following five phases:

- Preapplication Phase
- Formal Application Phase
- Document Compliance Phase
- Demonstration and Inspection Phase
- Certification Phase

A. Inspection/Maintenance Programs. Applicants for certification under part 135, nine or less passenger seats, must comply with the requirements of § 135.411(a)(1). This regulation gives them the option of inspecting or maintaining their aircraft under one of the following programs:

(1) A 100-hour/annual inspection as designed by the manufacturer or in accordance with 14 CFR part 91, § 91.409 and 14 CFR part 43, appendix D.

(2) An Approved Aircraft Inspection Program (AAIP) in accordance with § 135.419. Although large and multiengine turbine-powered airplanes must meet the requirements of § 91.409(e) and (f), these applicants may also choose to operate under an AAIP.

B. Cargo Operations, Part 135 (Nine or Less). The requirements of § 91.409(b) only apply to aircraft carrying revenue passengers. The 100-hour inspection does not apply to cargo-carrying part 135 operations,

as long as the operator has an approved inspection schedule.

C. Additional Maintenance Requirements. An applicant for operations of aircraft under part 135 (nine or less) must comply with the additional maintenance requirements of § 135.421 for engines, propellers, rotors, and emergency equipment. An applicant may use either the manufacturer's recommended maintenance requirements or a program approved by the Administrator.

D. Carry-On Oxygen Equipment for Medical Purposes. The oxygen equipment must meet the requirements of § 135.91 and must be under an approved maintenance program if owned by the applicant.

E. Single-Engine Airplane Carrying Passengers Under Instrument Flight Rules (IFR). Provided the operator meets the conditions of § 135.163 and other appropriate sections, the authority to operate under IFR with passengers and a combination of passengers and cargo will be authorized in the operations specifications (OpSpecs).

7. PREAPPLICATION PHASE.

A. Initial Inquiry. An initial inquiry or request for information regarding certification as a part 135 (nine or less) operator may be verbal or in writing.

B. Preapplication Statement of Intent (PASI). A PASI should be submitted only after the applicant has reviewed the appropriate regulations and advisory material. The submission of a completed PASI shows intent and prompts the district office to allocate resources.

C. Certification Team. The district office will select a certification team, consisting of at least one maintenance, one avionics, and one operations aviation safety inspector (ASI). Additional ASIs, including cabin safety specialists, may also be used. One of these will be designated as a certification project manager (CPM). The CPM will be the primary contact and FAA spokesperson for the certification project.

D. Preapplication Meeting. This meeting is an opportunity to discuss with the applicant the next step in the process. Before discussing procedures for continuing the certification process, the team should ensure the applicant understands the regulations and advisory materials. The applicant should be encouraged to ask questions and to clarify anything not fully understood.

9. FORMAL APPLICATION PHASE.

A. During the formal application phase, the team conducts a cursory review of the application and attachments to determine that all documents have been submitted and are complete. In-depth reviews are conducted during the document compliance phase.

B. Based on the results of the cursory review of the application and any meetings with the applicant, the CPM must accept or reject the application for processing and advise the applicant. In the case of rejection, the CPM must return the application and attachments with an explanation as to why the application was found unacceptable.

11. DOCUMENT COMPLIANCE PHASE. During this phase, the formal application and other documents supplied by the applicant will be reviewed. The application will be accompanied by the following documents:

- General operating manual (if applicable)

- Initial compliance statement
- Proving flight plan (if applicable)
- Any other document appropriate for the particular type of operation to be conducted

13. DEMONSTRATION AND INSPECTION PHASE. In this phase, the certification team determines the effectiveness of the applicant's proposed procedures and programs. The team ensures that the facilities, equipment, and aircraft are satisfactory and emphasizes compliance with regulations and safe operating practices. Throughout this phase, the CPM must ensure that each aspect of the required demonstration is observed and either is accepted or denied.

15. CERTIFICATION PHASE. An applicant is entitled to a certificate when:

- The certification process is completed
- Each significant unsatisfactory item has been corrected
- The applicant has met all regulatory requirements
- The certification team determines that the applicant is capable of complying with 14 CFR
- The applicant has demonstrated an ability to conduct operations in a safe manner

SECTION 2. PROCEDURES

1. PREREQUISITES AND COORDINATION REQUIREMENTS.

A. Prerequisites:

- Knowledge of the regulatory requirements of 14 CFR part 135
- Successful completion of the General/Air Carrier Airworthiness Safety Inspectors Indoctrination course, or equivalent
- Previous experience with part 135 (nine or less) certification and surveillance

B. Coordination. This task requires coordination between maintenance, avionics, and operations ASIs.

3. REFERENCES, FORMS, AND JOB AIDS.

A. References (current editions):

- 14 CFR parts 43, 65, and 91
- Advisory Circular (AC) 20-42, Hand Fire Extinguishers for Use in Aircraft
- AC 39-7, Airworthiness Directives
- AC 43-9, Maintenance Records
- AC 120-27, Aircraft Weight and Balance Control
- AC 120-49, Certification of Air Carriers
- AC 135-10, Approved Aircraft Inspection Program

B. Forms:

- FAA Form 8400-6, Preapplication Statement of Intent
- FAA Form 8400-8A, Operations Specifications
- FAA Form 8430-18, Air Carrier Operating Certificate
- FAA Form 8430-21, Operating Certificate

C. Job Aids. None.

5. PROCEDURES.

A. Advise the Applicant of the Process for Certification of an Air Carrier (Nine or Less) and of 14 CFR Requirements. Provide the following:

- FAA Form 8400-6
- AC 120-49

B. Review the PASI for Content, Completeness, and Acceptability.

(1) If the PASI is unacceptable, inform the applicant of the discrepancies in writing. A new PASI will be required to continue the certification process.

(2) If the PASI is acceptable, check the action box and forward a copy to the regional office.

(3) The district office assigned to the project should contact the Aviation Data Systems Branch, AFS-620, to acquire a precertification number.

C. Schedule a Precertification Meeting with the Applicant. Ensure that key personnel from the applicant's organization and all certification team members will attend.

D. Conduct the Precertification Meeting. Ensure the following:

(1) That the applicant understands the applicable regulations. Advise the applicant to become familiar with 14 CFR and pertinent ACs.

(2) That the applicant and key personnel understand the certification process.

(3) Advise the applicant that the FAA will not issue a certificate until proof of Department of Transportation (DOT) economic authority or the DOT 298 exemption is provided.

NOTE: If at any time during the preapplication phase the applicant formally terminates certification efforts, return the PASI to the applicant and notify the regional office and AFS-620.

E. Receive the Formal Application and Accompanying Documentation. These may include the following:

- A manual (as required)
- An initial compliance statement
- OpSpecs
- Schedule for proving flights (as required)
- Training curriculum
- Minimum Equipment List (MEL) (as required)
- Any other documents required by the certification team

F. Schedule and Conduct the Formal Application Meeting.

(1) The certification team will review the application form, the initial compliance statement, the schedule for proving flights with the applicant, and key personnel from the organization.

(2) Resolve any open questions and obtain missing information.

(3) If the applicant cannot meet the regulatory requirements, reject and return the formal application and accompanying documents to the applicant. A letter listing the reasons for the rejection must accompany this package.

G. Review Documents Submitted by the Applicant. Ensure that each document complies with the regulations. If deficiencies are found in any of the documents, send the applicant a letter outlining the deficient areas.

NOTE: The team members should remember that the applicant is responsible for developing manuals and procedures. The team can offer suggestions on how to improve the manual but must not write the document.

H. Observe Demonstrations and Conduct Inspections.

(1) Ensure that the following are acceptable:

(a) Station facilities (equipment, procedures, and personnel), if applicable.

(b) Recordkeeping procedures (documentation of training, flight and duty times, flight papers, etc.), as required.

(c) Flight control (dispatch, flight following, or flight locating capabilities).

(d) Inspection and maintenance program procedures.

(e) Maintenance activities (facilities, personnel, technical information, spare parts, etc.), as required.

(f) Weight and balance control (procedures, accuracy, and document control).

(g) Aircraft (conformity, maintenance records, etc.).

(h) Single-engine airplane carrying passengers under IFR conformity, if applicable.

(i) MEL.

(j) Aircraft proving tests (ability of applicant to operate independently, safely, and in compliance with the applicable 14 CFR), if required.

(k) Any other event appropriate for the type of operation to be conducted.

(2) Inform the applicant of any deficiencies noted. Advise the applicant that corrective action will be required to continue the certification process.

I. Prepare the Certificate. When the applicant has met all certification requirements, fill out the certificate with the following information:

- Certificate holder's name
- Certificate holder's address (a post office box is not acceptable)
- Certificate number (obtained from AFS-620)
- Effective date
- District office designator
- Signature and title of district office manager

J. Issue OpSpecs, as Appropriate. OpSpecs must be signed by the applicant or authorized member of the organization and the appropriate principal inspector. Give the original certificate and the OpSpecs to the certificate holder.

7. TASK OUTCOMES.

A. File PTRS Data Sheet.

B. Complete the Task. Completion of this task results in one of the following:

- Issuance of a certificate and OpSpecs (see vol. 2, ch. 84, FAR Part 121/135 Operations Specifications)
- A letter to the applicant indicating denial of the certificate
- A letter to the applicant confirming termination of the certification process by the applicant

C. Establish the Certificate-Holding District Office (CHDO) File for the Certificate Holder. Include the following information in the file:

- FAA Form 8400-6
- The completed application form
- Final compliance statement
- Proving test evaluation report (if required)

- A copy of OpSpecs
- A copy of the certificate
- A report by each team member, summarizing evaluations and observations from each phase of the certification process

9. FUTURE ACTIVITIES.

A. Transition. The district office manager must ensure an orderly transition from the certification process to certificate management.

B. Post-Certification Surveillance. Assigned inspectors should observe the operator carefully during

the first 90 days of operation. Additional inspections may be necessary to determine that operating practices are performed as required.

(1) The inspector should pay particular attention to areas that may not have been demonstrated or observed during certification, such as cargo and passenger loading.

(2) The inspector may detect a need for changes in the methods, techniques, operations, inspections, and/or maintenance during this early period of operation.